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TAGS: [PTER](#) [KJUS](#) [PGOV](#) [PREL](#) [EFIN](#) [IR](#) [AR](#)  
SUBJECT: ARGENTINA: AMIA PROSECUTOR DESCRIBES IMPENDING  
CIVIL ACTION AGAINST IRANIANS AND HIZBALLAH

REF: BUENOS AIRES 739 AND PREVIOUS

Classified By: Ambassador E. Anthony Wayne for Reasons 1.4 (b) and (d).

¶1. (C) Summary: Alberto Nisman, Argentina's Special Prosecutor to investigate the 1994 terrorist attack against the Argentine Israeli Mutual Association (AMIA), called on the Ambassador October 14, 2008 to provide advance notice of what he said would be the first civil action to be advanced against eight Iranian suspects in the attack, as well as the Government of Iran and the group Hizballah in Lebanon. The plaintiff was a shopowner who had sustained injuries and had his business destroyed in the blast at the adjacent AMIA center. He would seek damages from the named Iranian defendants, the Government of Iran, and Hizballah, and Nisman on October 15 would publicly request that the judge issue a preliminary order asking that financial assets of the accused individuals and of Hizballah be frozen pending the outcome of the trial (something legally justifiable due to the preponderant evidence of guilt, Nisman said). Nisman said the judge could not issue a similar request for the attachment of Iranian government assets until a verdict was issued. Nisman went forward publicly the afternoon of October 15 with a request to a federal judge to request the seizure of USD 1 million from each of the individuals and from Hizballah prior to the suit's outcome. End Summary.

¶2. (C) Alberto Nisman called on the Ambassador at his request October 14, 2008 to provide advance notice of an imminent civil case to be filed by a survivor of the 1994 AMIA blast. The Embassy's DOJ Senior Trial Attorney and Poloff participated in the meeting. Nisman said his office had been supportive of the decision by the plaintiff's attorney to file for damages against eight Iranian individuals, against Hizballah in Lebanon, and against the Government of Iran.

¶3. (C) Nisman said that the plaintiff was an Argentine shopowner who had sustained injuries and suffered significant business losses when the AMIA blast also hit his nearby shop. Nisman's office was facilitating the claim that seeks that the presiding judge issue a preliminary order freezing assets of eight Iranians and of Hizballah. Nisman said that he had no expectation that the Governments of Lebanon or of Iran would take action on the judge's request, but he thought it would attract useful attention and create some added public pressure on Iran and Hizballah. He said that the Argentine Foreign Ministry had had no role in the process but would be expected to transmit the Argentine judicial requests to Lebanon and Iran. Nisman also suggested that Iranian commercial transactions with Argentina, including commodities purchases, may be complicated by initiation of the process, though he did not explain how this might occur.

¶4. (C) As Nisman speculated about Iran's reaction, the

Ambassador described the possible precedent of settlements such as the one reached by Libya in cases brought by family members of terrorism victims in which the Government of Libya had made cash payments to the family members without admitting guilt.

15. (C) Senior DOJ Trial Attorney asked Nisman whether other victims would likely join the civil suit and whether Argentine law permits class-action procedures. Nisman said that class-action suits were possible and that others might well take similar actions. Nonetheless, he said, many victims and family members feared retribution, including violence, if they were named individually in legal actions of this type.

16. (C) Ambassador utilized the meeting to ask Nisman for a status report on the criminal charges he announced in May 2008 against former President Menem and other officials for allegedly obstructing the initial AMIA investigation and protecting the "local connection" involved in the attack (reftel). Nisman said that to this point the presiding judge had focused on document and procedural inquiries, but that he hoped that the process would move forward. Nisman also says he continues to work on the Triple Frontier connections to the attack but without major advances so far.

17. (U) According to press reports, on October 15 Nisman went public with his request that Federal Judge Rodolfo Canicoba Corral consider freezing assets of the total amount being claimed by the survivor, or USD 1 million for each of the eight named Iranian individuals as well as Hizballah in Lebanon. This was based on Nisman's interpretation that the

civil claim was "legally plausible and that there was a danger in delay." The unnamed plaintiff's claim, put forward by attorney Pablo Jacoby, alleges that the 1994 attack was "structurally supported by the Iranian state as well as by the Lebanese organization Hizballah in its organization, financing and implementation." Jacoby is associated with one of the survivors' groups, "Active Memory". Another group, the Families and Friends of the Victims of the AMIA Attack, voiced support for Nisman's effort. Nisman also called for international pressure on Lebanon to embargo Hizballah's bank accounts and assets.

WAYNE